



United States
General Accounting Office
Washington, D.C. 20548

Health, Education, and
Human Services Division

B-283461

January 31, 2000

The Honorable Cass Ballenger
Chairman, Subcommittee on
Workforce Protections
Committee on Education
and the Workforce
House of Representatives

Subject: Occupational Safety and Health: Federal Agencies Identified as
Promoting Workplace Safety and Health

Dear Mr. Ballenger:

Millions of employers each day face the difficult task of ensuring safe and healthy working conditions. Various agencies, including the Department of Labor's (DOL) Occupational Safety and Health Administration and the Environmental Protection Agency, issue and enforce workplace regulations in order to assist and monitor employers in providing safe workplaces. However, little is known about jurisdictional boundaries of each of these agencies. You expressed concern that, as these agencies expand their enforcement responsibilities to more workplaces, their efforts to monitor compliance could overlap, placing additional burdens on employers.

This letter responds to your request for a more complete understanding of the federal agencies who regulate workplace safety and health. Specifically, you asked us to identify (1) the key federal agencies responsible for promoting workplace safety and health, focusing on those that have regulatory and enforcement authority or otherwise significantly assist in the enforcement process, and (2) the federal laws and regulations that serve as the basis of enforcement and the types of workers and industries covered by these regulations.

To conduct our work, we reviewed federal legislation and regulations, agency missions and strategic plans, and memorandums of understanding among agencies we identified that regulate the physical workplace conditions for private sector workers. We also met with officials at national associations and key federal enforcement agencies to clarify their roles in promoting

GAO/HEHS-00-45R Federal Agencies and Workplace Safety

workplace safety and health, and with staff at DOL, the Environmental Protection Agency, the Department of Transportation (DOT), the Nuclear Regulatory Commission, and the Department of Energy. We conducted our work between September and December 1999 in accordance with generally accepted government auditing standards.

In summary, we identified six executive agencies and 15 component agencies that are responsible for enforcing at least 37 different federal laws governing workplace safety and health for private sector workers. Enclosure I identifies the federal executive agencies and their component agencies, as well as the number of laws they enforce related to workplace safety and health. Enclosure II lists each of the component agencies, the particular laws and regulations under their authority, and the types of industries or workers covered by the regulations.

Of the 15 component agencies, the DOL's Occupational Safety and Health Administration (OSHA) has general enforcement authority for workplace safety and health, with the other agencies having enforcement authority for particular types of workplace hazards. Enclosure III identifies federal agencies with enforcement authority, by related workplace hazard. By law, OSHA may exercise enforcement authority for these hazards if these other agencies do not. According to OSHA, it has 53 memorandums of understanding with other federal agencies regarding workplace safety and health (see enc. IV).

Promoting workplace safety and health involves several key elements, including rulemaking, education and training, inspection and monitoring, incident investigation, adjudication or prosecution, and research or data collection. Enclosure V provides a more complete description of each of these key elements. Multiple entities are involved across these elements in order to assist enforcement agencies in their efforts. Enclosure VI identifies, by workplace-related hazard, the primary agencies that enforce or assist in promoting workplace safety and health.

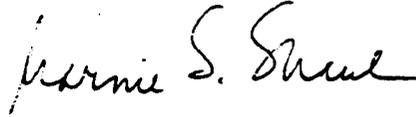
AGENCY COMMENTS

We sent a draft of the enclosures for comment to DOL, the Environmental Protection Agency, DOT, the Nuclear Regulatory Commission, the Department of Energy, and the Department of the Treasury. They provided technical comments, which we incorporated where appropriate.

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If you or your staff have any questions about this correspondence, please contact me on (202) 512-7215 or Lori Rectanus on (202) 512-9847. Suzanne Sterling, Joseph Natalicchio, Heather McCallum, Julian Klazkin, and Ann McDermott also made key contributions to this assignment.

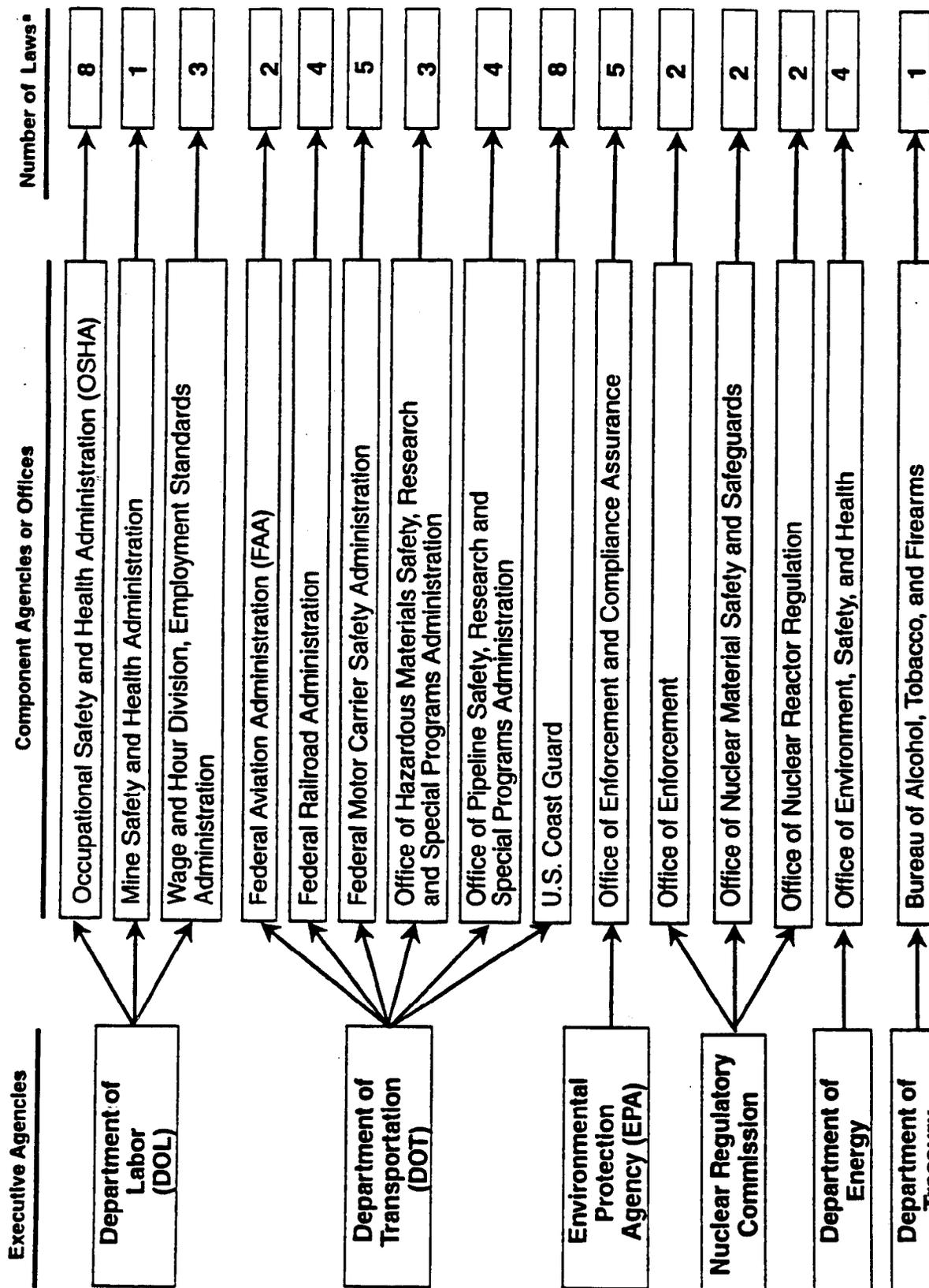
Sincerely yours,

A handwritten signature in cursive script that reads "Marnie S. Shaul".

Marnie S. Shaul
Associate Director, Education, Workforce,
and Income Security Issues

Enclosures - 6

**FEDERAL EXECUTIVE AND COMPONENT AGENCIES RESPONSIBLE FOR
ENFORCING FEDERAL WORKPLACE SAFETY AND HEALTH LAWS**



* The number of laws for each component agency or office are not mutually exclusive. A law may be enforced by more than one agency.

Table II.1: Legislation and Regulations Under DOL's Occupational Safety and Health Administration Authority for Workplace Safety and Health

<p>Key legislation^a > Regulations</p>	<ul style="list-style-type: none"> • Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pts. 1900 -1990 (all OSHA regulations address worker safety and health in varying ways) > 29 C.F.R. pt. 1910 (national consensus standards) > 29 C.F.R. pt. 1928 (agricultural standards) • Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1918 (longshoring) > 29 C.F.R. pt. 1926 (construction) • Federal hazardous materials transportation law (P.L. 101-615, section 29; 29 U.S.C. 655 note) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1915.100 (shipyards: hazardous materials identification) > 29 C.F.R. sec. 1928.21 (agriculture: hazardous materials identification) • Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1915 (shipyards) > 29 C.F.R. pt. 1917 (marine terminals) > 29 C.F.R. pt. 1918 (longshoring) > 29 C.F.R. pt. 1919 (cargo gear certification) • National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1918 (longshoring) > 29 C.F.R. sec. 505.6 (grantee safety and health standards) • Service Contract Act of 1965 (41 U.S.C. 351 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1918 (longshoring) > 29 C.F.R. pt. 1925 (federal service contracts) • Rehabilitation Act of 1973 (29 U.S.C. 701, 770 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1924 (facilities assisted by grants) • Walsh-Healey Act (41 U.S.C. 35 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 1918 (longshoring) > 41 C.F.R. pt. 50-204 (federal supply contracts)
<p>Industries or workers covered</p>	<p>Most industries, but does not cover workplace hazards regulated by other federal agencies^b</p>

^aWhere the laws listed in this table appear in multiple sections of the U.S. Code, the table refers to the first such section. The table refers to the public law where the U.S. Code reference would not be helpful, for example, because the law is scattered through various parts of the Code. A public law may also be cited if it

clarifies the authority for a particular entry. In some cases, we have combined the descriptions of several laws for convenience. The regulations are generally grouped together with the laws that authorize them. Where more than one law serves as such authority, the regulation may be listed more than once.

^bThe Occupational Safety and Health Act requires employers to provide employment and places of employment that are free from recognized hazards that cause or are likely to cause death or serious physical harm. While OSHA's authority does not extend to workplace hazards regulated by other federal agencies, it may take regulatory action if an agency does not regulate a particular hazard.

Table II.2: Legislation and Regulations Under DOL's Mine Safety and Health Administration Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.) <ul style="list-style-type: none"> > 30 C.F.R. pts. 1-955 (Many of these regulations address worker safety and health. Several are listed below.) > 30 C.F.R. pts. 5-36 (testing, evaluation, and approval of mining products/equipment) > 30 C.F.R. pts. 46, 48 (education and training) > 30 C.F.R. pt. 49 (mine rescue teams) > 30 C.F.R. pt. 56 (safety and health standards – surface metal and nonmetal mines) > 30 C.F.R. pt. 57 (safety and health standards – underground metal and nonmetal mines) > 30 C.F.R. pt. 58 (health standards for metal and nonmetal mines) > 30 C.F.R. pt. 70 (mandatory health standards – underground coal mines) > 30 C.F.R. pt. 71 (mandatory health standards – surface coal mines and work areas of underground coal mines) > 30 C.F.R. pt. 72 (health standards for coal mines) > 30 C.F.R. pt. 74 (coal mine dust personal sampler units) > 30 C.F.R. pt. 75 (mandatory safety standards – underground coal mines) > 30 C.F.R. pt. 77 (mandatory safety standards – surface coal mines and surface work areas of underground coal mines) > 30 C.F.R. pt. 90 (mandatory health standards – coal miners with pneumoconiosis)
<p>Industries or workers covered</p>	<p>Mining industry (both surface and underground)</p>

Table II.3: Legislation and Regulations Under DOL's Wage and Hour Division, Employment Standards Administration, Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 570 (child labor) • Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. pt. 500 (migrant and seasonal agricultural workers) • Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) <ul style="list-style-type: none"> > 29 C.F.R. sec. 1910.142 (temporary labor camps) > 29 C.F.R. sec. 1928.110 (field sanitation)
<p>Industries or workers covered</p>	<p>Industries employing vulnerable workers such as child laborers or migrant and agricultural workers</p>

Table II.4: Legislation and Regulations Under DOT's Federal Aviation Administration Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Federal aviation law (49 U.S.C. 40101 et seq.)^a <ul style="list-style-type: none"> > 14 C.F.R. pt. 43 (aircraft maintenance) > 14 C.F.R. pt. 61 (pilot certification) > 14 C.F.R. pt. 63 (flight crew certification) > 14 C.F.R. pt. 65 (certification of other airmen) • Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) <ul style="list-style-type: none"> > 49 C.F.R. pt. 171 (general information) > 49 C.F.R. pt. 172 (tables, communications, emergencies) > 49 C.F.R. pt. 173 (shippers) > 49 C.F.R. pt. 175 (aircraft) > 49 C.F.R. pt. 178 (packaging) > 49 C.F.R. pt. 180 (continuing qualification and maintenance)
<p>Industries or workers covered</p>	<p>Aviation industry</p>

Note: Title 49 of the U.S. Code, comprising laws relating to transportation, was "codified" by P.L. 103-272 (1994): that is, it was reorganized and rewritten to include many of the transportation laws then in force, without substantive change, in order to provide more coherence and consistency. While their content was retained in this codification, the public laws that were the source for title 49, for example, the Federal Aviation Act of 1958, were repealed. Instead of listing all the repealed laws, we generally include a summary table entry, for example, "Federal aviation law," and list the pertinent laws in a footnote. For purposes of our survey, these laws are included in our count of worker safety and health laws. The accompanying citations identify where the substance of the repealed law appears in the codified version of title 49. The tables also include the pertinent laws enacted after the codification.

^aThis includes the Federal Aviation Act of 1958.

Table II.5: Legislation and Regulations Under DOT's Federal Railroad Administration Authority for Workplace Safety and Health

Key legislation > Regulations	<ul style="list-style-type: none"> • Federal railroad safety law (49 U.S.C. 20101 et seq.)^a • Noise Control Act of 1972 (42 U.S.C. 4901, 4916) <ul style="list-style-type: none"> > 49 C.F.R. pt. 210 (railroad noise) > 49 C.F.R. pt. 214 (workplace safety) > 49 C.F.R. pt. 215 (freight cars) > 49 C.F.R. pt. 216 (tracks, equipment, locomotives) > 49 C.F.R. pts. 217-218 (operating rules and practices) > 49 C.F.R. pt. 220 (communications) > 49 C.F.R. pt. 221 (rear-end marking devices) > 49 C.F.R. pt. 223 (glazing) > 49 C.F.R. pt. 225 (accidents, investigations) > 49 C.F.R. pts. 229-230 (locomotives) > 49 C.F.R. pt. 231 (railroad appliances) > 49 C.F.R. pt. 232 (brakes) > 49 C.F.R. pt. 233 (signals) > 49 C.F.R. pt. 234 (grade crossings) • Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) <ul style="list-style-type: none"> > 49 C.F.R. pt. 171 (general information) > 49 C.F.R. pt. 172 (tables, communications, emergencies) > 49 C.F.R. pt. 173 (shippers) > 49 C.F.R. pt. 174 (rail) > 49 C.F.R. pt. 178 (packaging) > 49 C.F.R. pt. 179 (tank cars) > 49 C.F.R. pt. 180 (continuing qualification and maintenance)
Industries or workers covered	Railroad industry

^aThis includes the Federal Railroad Safety Act of 1970 and the Federal Railroad Safety Authorization Act of 1994.

Table II.6: Legislation and Regulations Under DOT's Federal Motor Carrier Safety Administration Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Motor carrier safety law (49 U.S.C. 31101 et seq.)^a <ul style="list-style-type: none"> > 49 C.F.R. pt. 385 (safety fitness procedures) > 49 C.F.R. pt. 390 (federal motor carrier safety) > 49 C.F.R. pt. 392 (commercial vehicles) > 49 C.F.R. pt. 393 (parts/accessories for safety) > 49 C.F.R. pt. 396 (inspections, repairs, maintenance) > 49 C.F.R. pt. 397 (hazardous materials transportation: driving and parking) > 49 C.F.R. pt. 399 (employee safety and health standards) • Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) <ul style="list-style-type: none"> > 49 C.F.R. pt. 171 (general information) > 49 C.F.R. pt. 172 (tables, communications, emergencies) > 49 C.F.R. pt. 173 (shippers) > 49 C.F.R. pt. 177 (public highways) > 49 C.F.R. pt. 178 (packaging) > 49 C.F.R. pt. 180 (continuing qualification and maintenance) • Interstate transportation of migrant farm workers law (49 U.S.C. 31502(c)) <ul style="list-style-type: none"> > 49 C.F.R. pt. 398 (transportation of migrant workers) • Noise Control Act of 1972 (42 U.S.C. 4901 et seq.) <ul style="list-style-type: none"> > 49 C.F.R. pt. 325 (motor carrier noise)
<p>Industries or workers covered</p>	<p>Interstate motor carriers</p>

Note: The Federal Motor Carrier Safety Administration began operating in January 2000. Previously, its functions were carried out by the Office of Motor Carrier Safety, which was preceded by the Federal Highway Administration.

^aThis includes the Motor Carrier Safety Act of 1984 and the Motor Carrier Act of 1935.

Table II.7: Legislation and Regulations Under DOT's Office of Hazardous Materials Safety, Research and Special Programs Administration, Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) <ul style="list-style-type: none"> > 49 C.F.R. pt. 171 (general information) > 49 C.F.R. pt. 172 (tables, communications, emergencies) > 49 C.F.R. pt. 173 (shippers) > 49 C.F.R. pt. 174 (rail) > 49 C.F.R. pt. 175 (aircraft) > 49 C.F.R. pt. 176 (water vessels) > 49 C.F.R. pt. 177 (highway) > 49 C.F.R. pt. 178 (packaging) > 49 C.F.R. pt. 179 (tank cars) > 49 C.F.R. pt. 180 (continuing qualification and maintenance) • Federal Water Pollution Control Act (33 U.S.C. 1251, 1321) <ul style="list-style-type: none"> > 49 C.F.R. sec. 130.31 (oil spill response plans) • Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)
<p>Industries or workers covered</p>	<p>Industries involved in the transportation of hazardous materials by air, rail, highway, and water</p>

Table II.8: Legislation and Regulations Under DOT's Office of Pipeline Safety, Research and Special Programs Administration, Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Pipeline safety law (49 U.S.C. 60101 et seq.)* • Federal Water Pollution Control Act (33 U.S.C. 1251, 1321) <ul style="list-style-type: none"> > 49 C.F.R. pt. 190 (pipeline safety programs) > 49 C.F.R. pt. 191 (natural gas safety reports) > 49 C.F.R. pt. 192 (natural gas safety standards) > 49 C.F.R. pt. 193 (liquefied natural gas safety standards) > 49 C.F.R. pt. 194 (response plans for onshore pipelines) > 49 C.F.R. pt. 195 (hazardous liquids standards)
<p>Industries or workers covered</p>	<p>Industries involved with the transportation of natural gas, liquefied natural gas, and other hazardous liquids through pipelines</p>

*This includes the Accountable Pipeline Safety and Partnership Act of 1996, the Natural Gas Pipeline Safety Act, and the Hazardous Liquids Pipeline Safety Act.

Table II.9: Legislation and Regulations Under DOT's U.S. Coast Guard Authority for Workplace Safety and Health

Key legislation > Regulations	<ul style="list-style-type: none"> • Vessel inspection laws (46 U.S.C. 3301 et seq.; 46 U.S.C. 4501 et seq.)^a • Ports, tankers, and waterways safety laws (33 U.S.C. 1221 et seq.; 33 U.S.C. 1501 et seq.; 46 U.S.C. 3301, 3702 et seq.)^b • Federal Water Pollution Control Act (33 U.S.C. 1251, 1321) • Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) (Many Coast Guard regulations have a bearing on worker safety and health. A number are listed below.) <ul style="list-style-type: none"> > 33 C.F.R. pt. 142 (outer continental shelf workplace safety and health) > 33 C.F.R. pt. 149 (design, construction, and equipment for deepwater ports) > 46 C.F.R. pt. 28 (commercial fishing) > 46 C.F.R. pts. 32, 35, 39 (tank vessels) > 46 C.F.R. pt. 92 (construction of shipping vessels) > 46 C.F.R. pts. 108, 109 (offshore drilling units) > 46 C.F.R. pts. 127, 131 (offshore supply vessels) > 46 C.F.R. pt. 190 (oceanographic research vessels) > 46 C.F.R. pt. 197 (marine occupational safety and health) • Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) <ul style="list-style-type: none"> > 49 C.F.R. pt. 171 (general information) > 49 C.F.R. pt. 172 (tables, communications, emergencies) > 49 C.F.R. pt. 173 (shippers) > 49 C.F.R. pt. 176 (water vessels) > 49 C.F.R. pt. 178 (packaging) > 49 C.F.R. pt. 180 (continuing qualification and maintenance)
Industries or workers covered	Commercial fishing, ship construction, offshore drilling, oceanographic research, offshore suppliers, and others involved in outer continental shelf activities or using tankers

^aChapter 33 of title 46 of the U.S. Code consolidates the numerous laws dealing with inspection of vessels. Chapter 45 applies to uninspected vessels. For purposes of our survey, we treat each chapter as an individual law.

^bThis entry refers generally to the Ports and Waterways Safety Act, the Deepwater Port Act of 1974, and the Tank Vessel Act.

Table II.10: Legislation and Regulations Under EPA's Office of Enforcement and Compliance Assurance Authority for Workplace Safety and Health

<p>Key legislation > Regulations</p>	<ul style="list-style-type: none"> • Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) <ul style="list-style-type: none"> > 40 C.F.R. pt. 156 (labeling requirements) > 40 C.F.R. pt. 170 (worker protection standard) > 40 C.F.R. pt. 171 (certification of pesticide applicators) • Toxic Substances Control Act (15 U.S.C. 2601 et seq.) <ul style="list-style-type: none"> > 40 C.F.R. pt. 763 (asbestos abatement) > 40 C.F.R. pt. 721 (sec. 721.63 -- new chemical uses) > 40 C.F.R. pt. 725 (secs. 725.234-.235 -- microorganism use) • Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) • Federal Water Pollution Control Act (33 U.S.C. 1251, 1321) <ul style="list-style-type: none"> > 40 C.F.R. pt. 300 (oil and hazardous substances contingency plan) (sec. 300.150 incorporates by reference OSHA standards) • Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.) <ul style="list-style-type: none"> > 40 C.F.R. sec. 264.16 (hazardous waste facilities: personnel training) > 40 C.F.R. sec. 264.35 (hazardous waste facilities: aisle space) > 40 C.F.R. secs. 264.50-56 (hazardous waste facilities: contingency plan and emergency procedures) > 40 C.F.R. sec. 265.16 (interim hazardous waste facilities: personnel training) > 40 C.F.R. sec. 265.35 (interim hazardous waste facilities: aisle space) > 40 C.F.R. secs. 265.50-56 (interim hazardous waste facilities: contingency plan and emergency procedures)
<p>Industries or workers covered</p>	<p>Agriculture (including pesticide handlers, applicators, field workers); farming, forestry, nurseries and greenhouses, and others involved in the use or distribution (but not the manufacture) of pesticides; toxic substance manufacturers, processors, distributors, users, or disposers; and environmental protection industries whose workers are involved in the cleanup of hazardous substances, pollution, oil, and contaminants discharged into the environment, navigable waters, or adjoining shorelines</p>

Table II.11: Legislation and Regulations Under the Nuclear Regulatory Commission's Office of Enforcement Authority for Workplace Safety and Health

<p>Key legislation ▶ Regulations</p>	<ul style="list-style-type: none"> • Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) • Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.) (Many Nuclear Regulatory Commission regulations have a bearing on worker safety and health. A number are listed below.) <ul style="list-style-type: none"> ▶ 10 C.F.R. pt. 19 (notices, instructions, reports to workers) ▶ 10 C.F.R. pt. 20 (radiation standards) ▶ 10 C.F.R. pt. 34 (industrial radiography) ▶ 10 C.F.R. pt. 35 (medical use of radioactive material) ▶ 10 C.F.R. pt. 36 (irradiators) ▶ 10 C.F.R. pt. 39 (well logging) ▶ 10 C.F.R. pt. 40 (source material) ▶ 10 C.F.R. pt. 50 (nuclear reactors) ▶ 10 C.F.R. pt. 70 (special nuclear material) ▶ 10 C.F.R. pt. 71 (packaging and transportation of radioactive material)* ▶ 10 C.F.R. pt. 72 (spent nuclear fuel and high-level radioactive waste)
<p>Industries or workers covered</p>	<p>Industries employing nuclear energy and radiological materials requiring a Nuclear Regulatory Commission license</p>

*The regulation incorporates by reference DOT's regulations for transportation of hazardous materials, 49 C.F.R. pt. 171-180.

Table II.12: Legislation and Regulations Under the Nuclear Regulatory Commission's Office of Nuclear Material Safety and Safeguards Authority for Workplace Safety and Health

<p>Key legislation ▶ Regulations</p>	<ul style="list-style-type: none"> • Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) • Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.) <ul style="list-style-type: none"> ▶ 10 C.F.R. pt. 19 (notices, instructions, reports to workers) ▶ 10 C.F.R. pt. 20 (radiation standards) ▶ 10 C.F.R. pt. 34 (industrial radiography) ▶ 10 C.F.R. pt. 35 (medical use of radioactive material) ▶ 10 C.F.R. pt. 36 (irradiators) ▶ 10 C.F.R. pt. 39 (well logging) ▶ 10 C.F.R. pt. 40 (source material) ▶ 10 C.F.R. pt. 70 (special nuclear material) ▶ 10 C.F.R. pt. 72 (spent nuclear fuel and high-level radioactive waste) ▶ 10 C.F.R. pt. 71 (packaging and transportation of radioactive material)*.
<p>Industries or workers covered</p>	<p>Industries employing nuclear energy or radioactive materials requiring a Nuclear Regulatory Commission license</p>

*The regulation incorporates by reference DOT's regulations for transportation of hazardous materials, 49 C.F.R. pts. 171-180.

Table II.13: Legislation and Regulations Under the Nuclear Regulatory Commission's Office of Nuclear Reactor Regulation for Workplace Safety and Health

Key legislation > Regulations	<ul style="list-style-type: none"> • Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) • Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.) (Many Nuclear Regulatory Commission regulations have a bearing on worker safety and health. A number are listed below.) <ul style="list-style-type: none"> > 10 C.F.R. pt. 19 (notices, instructions, reports to workers) > 10 C.F.R. pt. 20 (radiation standards) > 10 C.F.R. pt. 50 (nuclear reactors)
Industries or workers covered	Industries employing nuclear energy and radiological materials requiring a Nuclear Regulatory Commission license

Table II.14: Legislation and Regulations Under the Department of Energy's Office of Environment, Safety, and Health Authority for Workplace Safety and Health

Key legislation > Regulations	<ul style="list-style-type: none"> • Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) • Energy Policy Act of 1992 (P.L. 102-486) • Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.) • Department of Energy Organization Act (42 U.S.C. 7101 et seq.) <ul style="list-style-type: none"> > 10 C.F.R. 602 (grants for health-related research) > 10 C.F.R. 830 (nuclear safety management) > 10 C.F.R. 835 (occupational radiation protection)
Industries or workers covered	Energy research and nuclear weaponry

Table II.15: Legislation and Regulations Under Treasury's Bureau of Alcohol, Tobacco, and Firearms Authority for Workplace Safety and Health

Key legislation ➤ Regulations	<ul style="list-style-type: none">• Organized Crime Control Act of 1970 (18 U.S.C. 841 et seq.)<ul style="list-style-type: none">➤ 27 C.F.R. pt. 55 (explosives)
Industries or workers covered	Industries involved in the manufacture, import, sale, storage, or use of explosives

ENCLOSURE II

ENCLOSURE II

FEDERAL AGENCIES WITH ENFORCEMENT AUTHORITY, BY WORKPLACE-RELATED HAZARD

All Regulated Workplace Hazards

OSHA (DOL)

Agriculture

- DOL
- Wage and Hour Division
- EPA
- Office of Enforcement and Compliance Assurance

Nuclear

- Department of Energy
- Office of Environment, Safety, and Health
- Nuclear Regulatory Commission
- Office of Nuclear Material Safety and Safeguards
 - Office of Enforcement
 - Office of Nuclear Reactor Regulation

Mining

- DOL
- Mine Safety and Health Administration
- Treasury
- Bureau of Alcohol, Tobacco, and Firearms

Transportation

- DOT
- FAA
 - Federal Railroad Administration
 - Federal Motor Carrier Safety Administration
 - Office of Hazardous Materials Safety, Research and Special Programs Administration
 - Office of Pipeline Safety, Research and Special Programs Administration
 - U.S. Coast Guard

Hazardous Materials

- DOT
- FAA
 - Federal Railroad Administration
 - Federal Motor Carrier Safety Administration
 - Office of Hazardous Materials Safety, Research and Special Programs Administration
 - Office of Pipeline Safety, Research and Special Programs Administration
 - U.S. Coast Guard
- Department of Energy
- Office of Environment, Safety, and Health
- Treasury
- Bureau of Alcohol, Tobacco, and Firearms
- EPA
- Office of Enforcement and Compliance Assurance

- DOL
- Wage and Hour Division
- Treasury
- Bureau of Alcohol, Tobacco, and Firearms
- EPA
- Office of Enforcement and Compliance Assurance
- Nuclear Regulatory Commission
- Office of Nuclear Material Safety and Safeguards
 - Office of Enforcement

* WHD is responsible for promoting safety and health for children in workplaces that allow child labor.

**NUMBER OF MEMORANDUMS OF UNDERSTANDING
BETWEEN OSHA AND OTHER FEDERAL AGENCIES**

Department or agency	Number
Department of Agriculture (USDA)	3
Farm Service Agency	
Food Safety and Inspection Service	
USDA Extension Service	
Department of Commerce	2
National Bureau of Standards	
National Technical Information Service	
Department of Defense	2
Department of the Army	
Office of Manpower and Reserve Affairs	
Department of Energy	2
Office of Environment, Safety, and Health	
Atomic Energy Commission (predecessor of the Dept. of Energy)	
Department of Health and Human Services (HHS)	3
National Institute for Occupational Safety and Health	
Food and Drug Administration, Center for Devices and Radiological Health	
Department of Labor (DOL)	11
Bureau of Labor Statistics	
Office of Assistant Secretary for Administration and Management, and Employment and Training Administration (ETA)	
Employment Standards Administration (ESA), Wage and Hour Division (WHD)	
ESA, WHD, Region II	
ESA, Office of Workers' Compensation Programs	
ESA and ETA	
ESA	
ETA Region I	
Mine Safety and Health Admin.	
Department of Transportation (DOT)	5
U.S. Coast Guard	
Office of Safety and Consumer Affairs	
Department of the Treasury	1
Bureau of Alcohol, Tobacco, and Firearms	
Chemical Safety and Hazard Investigation Board	1
Consumer Product Safety Commission	1
Environmental Protection Agency (EPA)	9
EPA, Office of Solid Waste and Emergency Response, and Office of Enforcement and Compliance Assurance	
EPA, Office of Water	

Department or agency	Number
EPA, Office of Enforcement	
EPA, Region V	
EPA, Office of Pesticides and Toxic Substances (OPTS)	
EPA, Standards and Regulations Evaluation Division	
General Services Administration	3
Nuclear Regulatory Commission	2
Small Business Administration	3
Multiagency	5
Departments of Defense, Energy, and Transportation; EPA; and Nuclear Regulatory Commission	
Departments of Agriculture, the Army, Commerce, Defense, Energy, Housing and Urban Development, the Interior, Justice, Labor, State, and Transportation; Council on Environmental Quality; EPA; and Office of Science and Technology Policy	
National Institute for Occupational Safety and Health and EPA, OPTS (Mine Safety and Health Admin. added later)	
Department of Energy; EPA; National Institute for Occupational Safety and Health; U.S. Coast Guard; National Aeronautics and Space Administration; Army Chemical Research, Development, and Engineering Center; Army Natick Research, Development, and Engineering Center; National Surface Warfare Center, and U.S. Fire Administration	
EPA, National Institute for Occupational Safety and Health, and U.S. Coast Guard	
Total	53

Note: There may be more than one memorandum of understanding with a single agency.

Source: OSHA.

KEY ELEMENTS OF PROMOTING WORKPLACE SAFETY AND HEALTH**Rulemaking**

- Promulgating or issuing regulations to protect workers from workplace hazards

Education and Training

- Providing education and training to help employers and workers improve workplace safety and health conditions, comply with standards, or meet certification requirements

Inspection and Monitoring

- Inspecting work sites, proposing penalties, or issuing abatement orders for employers found violating standards, or conducting other activities to encourage compliance with safety and health standards

Incident Investigation

- Investigating and reporting on the circumstances or probable causes of any workplace accident resulting in a fatality, serious injury, or substantial property damage

Adjudication or Prosecution

- Presiding over hearings to affirm, annul, or modify citations or proposed penalties; or prosecuting civil or criminal violations of workplace safety and health laws

Research or Data Collection

- Conducting research on ways to control or prevent work-related health and safety problems or collecting occupational safety and health information, such as injury and illness data

ENTITIES THAT ENFORCE OR ASSIST IN PROMOTING WORKPLACE SAFETY AND HEALTH BY WORKPLACE-RELATED HAZARD

Table VI.1: Entities That Enforce or Have a Role in Promoting Workplace Safety and Health for Agricultural-Related Hazards

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Office of Prevention, Pesticides, and Toxic Substances (EPA)	X	X				X
Wage and Hour Division (DOL)	X	X	X	X		X
OSHA* (DOL)	X	X	X	X		X
National Institute of Environmental Health Sciences (HHS)		X				X
National Institute for Occupational Safety and Health (HHS)		X				X
Office of Enforcement and Compliance Assurance (EPA)		X	X	X		
Chemical Safety and Hazard Investigation Board				X		X
Office of Administrative Law Judges (EPA)					X	
Office of Administrative Law Judges (DOL)					X	
Office of the Solicitor (DOL)					X	

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Criminal Division and U.S. Attorneys' offices (Dept. of Justice)					X	
Bureau of Labor Statistics (DOL)						X
Food and Drug Administration (HHS)						X
National Academy of Sciences						X
National Agricultural Library (USDA)						X
Small Business Administration						X

Note: Agencies in boldface type have authority to enforce federal workplace safety and health regulations.

The Occupational Safety and Health Act requires employers to provide employment and places of employment that are free from recognized hazards that cause or are likely to cause death or serious physical harm. While OSHA's authority does not extend to workplace hazards regulated by other federal agencies, it may take regulatory action if an agency does not regulate a particular hazard. Agencies that assist OSHA in its regulatory and enforcement activities are listed in table VI.6.

Source: GAO analysis.

Table VI.2: Entities That Enforce or Have a Role in Promoting Workplace Safety and Health for Hazardous Materials-Related Hazards

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Office of Prevention, Pesticides, and Toxic Substances (EPA)	X	X				X
Office of Solid Waste and Emergency Response (EPA)	X					
Office of Environment, Safety, and Health (Dept. of Energy)	X	X	X	X		
OSHA (DOL)	X	X	X	X		X
Office of Hazardous Materials Safety (DOT)	X	X	X	X		X
Federal Aviation Administration (DOT)	X	X	X	X		X
Federal Railroad Administration (DOT)	X	X	X	X		X
Federal Motor Carrier Safety Administration (DOT)*	X	X	X			X
Office of Pipeline Safety (DOT)	X	X	X	X		X
U.S. Coast Guard (DOT)	X	X	X	X	X	X

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Bureau of Alcohol, Tobacco, and Firearms (Treasury)	X	X	X	X	X	X
National Institute of Environmental Health Sciences (HHS)		X				X
National Institute for Occupational Safety and Health (HHS)		X				X
Office of Enforcement and Compliance Assurance (EPA)		X	X	X		
Chemical Safety and Hazard Investigation Board				X		X
National Transportation Safety Board				X	X	X
Office of Administrative Law Judges (EPA)					X	
Office of Administrative Law Judges (DOL)					X	
Office of the Solicitor (DOL)					X	
Office of the General Counsel (DOT)					X	

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Occupational Safety and Health Review Commission					X	
Criminal Division and U.S. Attorneys' offices (Dept. of Justice)					X	
Bureau of Labor Statistics (DOL)						X
Volpe National Transportation Systems Center (DOT)						X
National Academy of Sciences						X
National Advisory Committee for Occupational Safety and Health						X
Small Business Administration						X

Note: Agencies in boldface type have authority to enforce federal workplace safety and health regulations.

*Before the creation of the Federal Motor Carrier Safety Administration in January 2000, the functions of this office were performed by the Office of Motor Carrier Safety and, prior to that office, the Federal Highway Administration.

Source: GAO analysis.

Table VI.3: Entities That Enforce or Have a Role in Promoting Workplace Safety and Health for Mining-Related Hazards

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Mine Safety and Health Administration. (DOL)	X	X	X	X		X
Bureau of Alcohol, Tobacco, and Firearms (Treasury)	X	X	X	X	X	X
OSHA (DOL)*	X	X	X	X		X
National Institute for Occupational Safety and Health (HHS)		X				X
Federal Mine Safety and Health Review Commission					X	
Office of Administrative Law Judges (DOL)					X	
Office of the Solicitor (DOL)					X	
Criminal Division and U.S. Attorneys' offices (Dept. of Justice)					X	
Bureau of Labor Statistics (DOL)						X

Note: Agencies in boldface type have authority to enforce federal workplace safety and health regulations.

*OSHA may regulate workplace safety and health in mining workplaces where the Mine Safety and Health Admin. does not have or does not exercise authority. Agencies that assist OSHA in its regulatory and enforcement activities are listed in table VI.6.

Table VI.4: Entities That Enforce or Have a Role in Promoting Workplace Safety and Health for Nuclear-Related Hazards

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Office of Environmental Management (Dept. of Energy)	X	X				X
Office of Nuclear Reactor Regulation (Nuclear Regulatory Commission)	X	X	X	X		X
Office of Environment, Safety, and Health (Dept. of Energy) ^a	X	X	X	X		
Office of Nuclear Material Safety and Safeguards (Nuclear Regulatory Commission)	X	X	X	X		X
OSHA (DOL) ^b	X	X	X	X		X
National Institute of Environmental Health Sciences (HHS)		X				X
National Institute for Occupational Safety and Health (HHS)		X				X
Office of Enforcement (Nuclear Regulatory Commission)			X			

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Office of Independent Oversight and Performance Assurance (Dept. of Energy)^c				X		X
Office of Investigations (Nuclear Regulatory Commission)				X		
Defense Nuclear Facilities Safety Board				X		X
Office of the General Counsel (Nuclear Regulatory Commission)					X	
Atomic Safety and Licensing Board (Nuclear Regulatory Commission)					X	
Criminal Division and U.S. Attorney's offices (Dept. of Justice)					X	
National Academy of Sciences						X

Note: Agencies in boldface type have authority to enforce federal workplace safety and health regulations.

^cSince passage of the Atomic Energy Act of 1954, the Dept. of Energy has self-regulated worker safety and health at its nuclear facilities because of national security concerns. Accordingly, the Department established workplace safety and health standards for its nuclear facilities.

Currently, the Department and DOL's OSHA are considering which of the Department's nuclear facilities, such as those that have become privately owned, may be regulated by OSHA.

*OSHA may regulate workplace safety and health in nuclear workplaces where the Nuclear Regulatory Commission does not have or does not exercise authority. Agencies that assist OSHA in its regulatory and enforcement activities are listed in table VL6.

*The Dept. of Energy's Office of Oversight monitors nonnuclear workplace safety and health at the agency's contractor-operated facilities from a contract compliance perspective. Should violations occur, the Office of Oversight cannot impose sanctions authorized by the Occupational Safety and Health Act. Remedies are limited to those authorized in the individual contracts and by federal contracting laws and regulations.

Source: GAO analysis.

Table VI.5: Entities That Enforce or Have a Role in Promoting Workplace Safety and Health for Transportation-Related Hazards

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Federal Aviation Administration (DOT)	X	X	X	X		X
Federal Railroad Administration (DOT)	X	X	X	X		X
Federal Motor Carrier Safety Administration (DOT)*	X	X	X			X
Office of Hazardous Materials Safety (DOT)	X	X	X	X		X
Office of Pipeline Safety (DOT)	X	X	X	X		X
U.S. Coast Guard (DOT)	X	X	X	X	X	X
Wage and Hour Division (DOL)	X	X	X			X
Office of Prevention, Pesticides, and Toxic Substances (EPA)	X	X				X
Office of Nuclear Material Safety and Safeguards (Nuclear Regulatory Commission)	X		X	X		

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Bureau of Alcohol, Tobacco, and Firearms (Treasury)	X	X	X	X	X	X
OSHA (DOL) ^b	X	X	X	X		X
Transportation Safety Institute (DOT)		X				
National Institute of Environmental Health Sciences (HHS)		X				X
National Institute for Occupational Safety and Health (HHS)		X				X
Office of Enforcement and Compliance Assurance (EPA)		X	X	X		
Office of Enforcement (Nuclear Regulatory Commission)			X			
Office of Investigations (Nuclear Regulatory Commission)				X		
Chemical Safety and Hazard Investigation Board				X		X
National Transportation Safety Board				X	X	X

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
Office of the General Counsel (DOT)					X	
Office of Administrative Law Judges (EPA)					X	
Office of the General Counsel (Nuclear Regulatory Commission)					X	
Atomic Safety and Licensing Board (Nuclear Regulatory Commission)					X	
Criminal Division and U.S. Attorneys' offices (Dept. of Justice)					X	
Bureau of Transportation Statistics (DOT)						X
Safety Council (DOT)						X
Volpe National Transportation Systems Center (DOT)						X
National Academy of Sciences						X

Note: Agencies in boldface type have authority to enforce federal workplace safety and health regulations.

Before the creation of the Federal Motor Carrier Safety Administration in January 2000, the functions of this office were performed by the Office of Motor Carrier Safety and, prior to that office, the Federal Highway Administration.

OSHA may regulate workplace safety and health in transportation workplaces where DOT does not have or does not exercise authority. Agencies that assist OSHA in its regulatory and enforcement activities are listed in table VI.6.

Source: GAO analysis.

Table VI.6: Entities That Enforce or Have a Role in Promoting Workplace Safety and Health for Other Types of Hazards

Entity	Elements to promote workplace safety and health					
	Rulemaking	Education and training	Inspection and monitoring	Incident investigation	Adjudication or prosecution	Research or data collection
OSHA (DOL)	X	X	X	X		X
Wage and Hour Division (DOL)	X	X	X	X		X
Bureau of Alcohol, Tobacco, and Firearms (Treasury)	X	X	X	X	X	X
National Institute of Environmental Health Sciences (HHS)		X				X
National Institute for Occupational Safety and Health (HHS)		X				X
Advisory Committee on Construction Safety and Health		X				
Office of Administrative Law Judges (DOL)					X	
Office of the Solicitor (DOL)					X	
Occupational Safety and Health Review Commission					X	
Criminal Division and U.S. Attorneys' offices (Dept. of Justice)					X	
Bureau of Labor Statistics (DOL)						X
Women's Bureau (DOL)						X
National Advisory Committee for Occupational Safety and Health						X
National Academy of Sciences						X
Small Business Administration						X

Note: Agencies in boldface type have authority to enforce federal workplace safety and health regulations.

Source: GAO analysis.

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